

Serial No. : 09/704,379
Docket No. : 10655.7600

REMARKS

In reply to the above-identified Office Action, Applicants amend the application and seek reconsideration thereof. In this reply, Applicants amend claims 6, 19, 25, 38, 51, and 57, and cancel claims 18 and 50. Applicants submit no new matter is added by these amendments. Applicants do not add any new claims. Accordingly, claims 2-10, 15-16, 19, 21-25, 34-42, 47-48, 51, and 53-58 are pending.

I. Claims Rejected under 35 U.S.C. § 102

The Examiner rejects claims 2-10, 15-16, 21-25, 34-42, 47-48, and 53-58 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,794,207 issued to Walker ("Walker"). Applicants respectfully traverse the rejection.

Walker is limited to a system for effectuating buyer-driven commerce by communicating binding purchase offers to potential sellers which allow a seller to bind a buyer to a contract. However, Walker does not disclose a shipping mechanism between the parties. Therefore, Walker fails to disclose "a shipping agent configured to provide at least one of goods, services, and other items of value from said second party to said first party," as similarly recited in independent claims 6, 25, 38, and 57, as amended. Accordingly, Applicants respectfully request withdrawal of the anticipation rejection of claims 6, 25, 38, and 57.

Claims 2-5, 7-10, 15-16, 21-24, 34-37, 39-42, 47-48, 53-56, and 58 each directly or indirectly depend from one of claims 6, 25, 38, and 57 and include all of the elements thereof. Therefore, Applicants submit claims 2-5, 7-10, 15-16, 21-24, 34-37, 39-42, 47-48, 53-56, and 58 are not anticipated by Walker at least for the same reasons as independent claims 6, 25, 38, and 57, in addition to their own respective features. Accordingly, Applicants respectfully request withdrawal of the anticipation rejection of claims 2-5, 7-10, 15-16, 21-24, 34-37, 39-42, 47-48, 53-56, and 58.

II. Claims Rejected under 35 U.S.C. § 103

The Examiner rejects claims 18-19 and 50-51 under 35 U.S.C. § 103(a) as being obvious over Walker in view of U.S. Patent No. 4,799,156 issued to Shavit, et al. ("Shavit"). Applicants respectfully traverse the rejection. Applicants have canceled claims 18 and 50.

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As discussed above, Walker fails to teach or suggest at least the elements of “a shipping agent configured to provide at least one of goods, services, and other items of value from said second party to said first party” as recited in each of independent claims 6, 25, 38, and 57. To cure the defects of Walker, the Examiner relies on the disclosure of Shavit to teach these elements, however, Applicants submit Shavit fails to do so.

Shavit teaches “a system for interactive communications and processing of business transactions between a plurality of types of users within at least one industry including ...freight carrier services.” Shavit, col. 1, lines 7-12. Particularly, Shavit discloses communication and processing of “business transactions between a plurality of different types of independent users including a plurality of buyers, as well as financial institutions, and freight service providers” (emphasis added). Shavit, Abstract. Furthermore, “Subscribers [to the system] may include such market participants as ...freight service providers...” (emphasis added). Shavit, col. 6, lines 9-15. Therefore, in Shavit, freight service providers are independent users and/or subscribers to Shavit’s system. In other words, the Shavit freight service providers are parties to the transaction that may send requests and transaction information to the Shavit system, so the Shavit freight service providers are not shipping agents for the parties. Therefore, the combination of Walker and Shavit fails to teach or suggest “a shipping agent configured to provide at least one of goods, services, and other items of value from said second party to said first party”, as similarly recited in independent claims 6, 25, 38, and 57, as amended. Accordingly, Applicants respectfully request withdrawal of the rejection of independent claims 6, 25, 38, and 57.

Claims 2-5, 7-10, 15-16, 21-24, 34-37, 39-42, 47-48, 53-56, and 58 each directly or indirectly depend from one of independent claims 6, 25, 38, and 57 and include all of the elements thereof. Therefore, Applicants submit claims 2-5, 7-10, 15-16, 21-24, 34-37, 39-42, 47-48, 53-56, and 58 are not obvious over Walker in view of Shavit at least for the same reasons as independent claims 6, 25, 38, and 57, in addition to their own respective features. Accordingly, Applicants respectfully request withdrawal of the obviousness rejection of claims 2-5, 7-10, 15-16, 21-24, 34-37, 39-42, 47-48, 53-56, and 58.

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CONCLUSION

In view of the foregoing, it is believed that all claims now pending are in condition for allowance. A Notice of Allowance is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned.

If necessary, the Commissioner is hereby authorized to charge payment or credit any overpayment to Deposit Account No. 1928-14 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

Dated: 2/16/05


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